

# MAINE STATE LEGISLATURE

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# Fifty-Seventh Legislature.

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SENATE.

No. 51.

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## STATE OF MAINE.

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IN THE YEAR OF OUR LORD ONE THOUSAND EIGHT HUNDRED AND  
SEVENTY-EIGHT

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[ S. 73.] AN ACT to locate, erect and carry on a new hospital  
for the insane.

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*Be it enacted by the Senate and House of Representatives in Legis-  
lature assembled, as follows :*

SECTION 1. That upon the passage of this act the gover-  
2 nor shall nominate and by and with the advice and consent of  
3 the council appoint three commissioners, no two of whom  
4 shall be of the same county, who shall have the power and exe-  
5 cute the duties hereinafter provided, and shall be charged with  
6 the duty of locating and erecting a new hospital for the insane.  
7 The Governor, by and with the advice and consent of the  
8 council, may remove any commissioner for cause, and shall  
9 fill all vacancies that may occur by death or otherwise in said  
10 board.

SECT. 2. Said board of commissioners shall meet at Augusta  
2 within one month after the adjournment of the legislature, and  
3 organize by electing one of their number as president and  
4 another as secretary, and the said board of commissioners,  
5 each of them before entering upon the discharge of the duties  
6 imposed upon them by this act, shall give a bond payable to  
7 the people of the State of Maine in such amounts and with  
8 such securities as may be required by the governor for the  
9 faithful performance of their obligations and duties.

SECT. 3. The board of commissioners shall as soon as practi-  
2 cable select and purchase, or otherwise secure, a lot or lots of  
3 land adjoining and in some compact and convenient form, not

4 less than one hundred and fifty nor more than four hundred  
5 acres in quantity, at some conveniently accessible spot, not  
6 within twenty-five miles, at least, of Augusta, suitable for the  
7 erection of a hospital for the insane. To aid them in the  
8 selection, the board of commissioners are authorized to call in  
9 consultation and advise with one or more physicians who have  
10 had large experience in the care and treatment of the insane.

SECT. 4. That in making such selection, the board of commis-  
2 sioners may take into consideration any donation that may be  
3 proposed towards the establishment and erection of said hos-  
4 pital, and shall have especial regard that there is upon the  
5 premises or passing through or near it an unfailing supply of  
6 pure water conveniently and constantly available, sufficient  
7 for bathing, steam purposes, sewerage and all uses of said  
8 hospital, and that it is conveniently situated for building  
9 material, for necessary supplies of fuel, provisions, &c., and  
10 railroad transportation to and from the same.

SECT. 5. Said board of commissioners shall first submit the  
2 selection of a site with the amount of, and value of all lands or  
3 other property proposed to be donated, if any, by the citizens  
4 or the town or city wherein located, to the governor, and if  
5 approved by him in writing, shall procure and place upon  
6 record in the proper county a deed or deeds, conveying a  
7 perfect title, in fee simple, direct to the state, of all real estate  
8 selected for a site or farm purposes for said hospital, and are  
9 hereby authorized to receive gifts, grants and bequests of any  
10 real or personal estate or money, from persons, town, or city,  
11 in aid of said hospital, the title of which immediately vests in  
12 the state; and the city or town is hereby authorized to make  
13 any donation of land or money or bonds belonging to the same,  
14 to aid in building or furnishing said hospital for the insane;  
15 and the conveyance of any real estate donated for such pur-  
16 pose, or the donation of money or bonds or other valuable  
17 property shall be considered valid and binding upon the per-  
18 sons, town or city making the same.

SECT. 6. At any time not exceeding three months after the  
2 selection of a site, as above provided, the board of commis-  
3 sioners shall mature a complete and comprehensive plan and  
4 estimates of costs of buildings designed, when complete, or

5 make use of any plans already in possession of the state, for  
6 the accommodation of four hundred patients, and the officers,  
7 attendants and employes, and exhibit the same to the governor  
8 for his examination, said plans and estimates to embrace the  
9 most improved construction, having reference to commendable  
10 prudence and economy of expenditure; and when approved by  
11 the governor in writing, and adopted by the board of commis-  
12 sioners, the said board of commissioners shall cause to be  
13 inserted in at least three daily newspapers of general circula-  
14 tion in the state, an advertisement for sealed bids to furnish  
15 the labor and materials for the whole or any part thereof, for  
16 the erection of so much of the insane hospital herein authorized  
17 as specified in the eleventh section of this act, and they shall  
18 furnish a printed copy of the seventh, eighth, ninth, tenth,  
19 eleventh and twelfth sections of this act, and of the specifica-  
20 tions to all parties interested who may apply therefor. And  
21 all parties interested who may desire it, shall have free and  
22 full access to the plans with the privilege of taking notes and  
23 making memoranda; and the board of commissioners shall  
24 furnish answers to all inquiries addressed to them on the  
25 subject of the proposed buildings, to the best of their ability  
26 and belief.

SECT. 7. Not less than thirty days after the publication of the  
2 said proposals for bids, on a day and at an hour to be specified  
3 in the said advertisement, in the city of Augusta, in the office  
4 of the governor, in the presence of the board of commissioners  
5 and of the bidders, or of so many of them as may be present, the  
6 bids received shall be opened for the first time, and the con-  
7 tract awarded to the lowest and best bidder; *provided*, that  
8 with the consent and approval of the governor, any one or all  
9 of the bids may be rejected for sufficient cause, or the lettings  
10 of said contracts may be again advertised as hereinbefore pro-  
11 vided, or if no acceptable bid shall be received, the buildings  
12 aforesaid may be erected and the improvements made under  
13 the direction of the board of commissioners and a competent  
14 superintendent appointed by themselves; *and provided further*,  
15 that no bid shall be accepted which is not accompanied by a  
16 good and sufficient bond in the penal sum of one thousand  
17 dollars, signed by at least three sureties of known ability and

18 integrity as a guaranty for the ability and good faith of the  
19 bidder.

SECT. 8. The contract to be made with the successful bidder  
2 or bidders shall be accompanied by a good and sufficient bond,  
3 to be approved by the governor before acceptance in the penal  
4 sum of double the contract price; and the said contract shall  
5 provide that a superintendent of construction appointed by the  
6 board of commissioners shall remain permanently in and about  
7 the building while work thereupon is in progress; who shall  
8 carefully and accurately measure the work done and the  
9 materials upon the grounds at least once in every month; and  
10 for the payment of the contractor upon the aforesaid measure-  
11 ments; and for the withholding of at least ten per cent. of the  
12 value of the work done and materials on hand, until the com-  
13 pletion of the building, as a guaranty of its completion; and  
14 for the forfeiture of a stipulated sum per diem for every day  
15 that the completion of the work shall be delayed, after the time  
16 specified in the contract for its completion, unless such delay  
17 shall be due to the act of the board of commissioners them-  
18 selves; and for the full protection of sub-contractors, by with-  
19 holding payment from the contractor, and by paying the sub-  
20 contractors directly for all work done by them, in case of failure  
21 or refusal on the part of the contractor to fulfill his engagement  
22 with them; and for the settlement of all disputes as to the val-  
23 uation of alterations and extras, or any other disputed ques-  
24 tions which may arise under the contract, by arbitration, as  
25 follows: one arbitrator to be chosen by the board of commis-  
26 sioners, one by the contractor, and one by the governor, all  
27 three of said arbitrators to be practical mechanics and builders;  
28 and for the reservation of and to the board of commissioners, of  
29 the right under the contract to order changes in the plans and  
30 detailed drawings at their discretion, and the right to order the  
31 cessation of work at any time when the funds appropriated for  
32 the carrying out of said work shall have been exhausted, and  
33 the right to refuse to accept any work which may be done and  
34 not be fully in accordance with the letter and spirit of the  
35 plans, specifications and detailed drawings, and all work not  
36 accepted shall be replaced at the expense of the contractor; and  
37 for a deduction from the contract price of all buildings ordered  
38 by the board of commissioners, which may and do diminish the

39 cost of the building. And it is hereby made the duty of the  
40 superintendent to carefully inspect all materials used, and to  
41 see to it that no improper or bad material be used in the con-  
42 struction of said buildings, and that all work is properly and  
43 well done, in a substantial and good workmanlike manner.

SECT. 9. The said contracts shall be signed by the president  
2 of the board of commissioners, in behalf of the board, after a  
3 vote authorizing him so to sign shall have been entered upon  
3 the minutes of the board ; and it shall be attested by the coun-  
4 ter signature of the secretary of the board. It shall also be  
5 signed by the contractor and by his sureties. It shall be drawn  
6 in duplicate, and one copy shall be given to the contractor and  
7 the other retained by the board of commissioners.

SECT. 10. All bids shall show the estimated cost of the ma-  
2 terials to be furnished and of the work to be done, of each  
3 description, in detail as in the specifications ; and all measure-  
4 ments and accounts as the work progresses shall show in detail  
5 the amount and character of the materials furnished or work  
6 done, for which payment is made and the price allowed for the  
7 same.

SECT. 11. The Hospital building shall be constructed in the  
2 most approved manner of brick or stone, the partition walls of  
3 brick, and the roof of slate or tin, the whole made as nearly  
4 fire-proof as practical for such a building, and so constructed  
5 as to be warmed in the most healthy and economical manner,  
6 with ample ventilation in all its parts. A center building with  
7 two adjoining wings of sufficient capacity to accommodate one  
8 hundred and fifty patients shall be first erected and brought  
9 into use, so that practical benefits may be secured at the earli-  
10 est period and at the least expenditure of money ; provided  
11 that such building shall be free from expensive architectural  
12 decorations, plain but permanent and substantial, and in accord-  
13 ance and harmony with the well matured plans for the whole  
14 structure.

SECT. 12. That for the purchase of a site as above provided,  
2 and for the procuring of plans, the erection of a center build-  
3 ing with two adjoining wings for the accommodation of one  
4 hundred and fifty patients, the medical superintendent and all  
5 necessary officers, attendants and employees, for furniture,

6 warming apparatus and other fixtures necessary to put the  
7 same into practical use, there is hereby appropriated the sum  
8 of one hundred and twenty-five thousand dollars to be paid  
9 upon the order of the board of commissioners, signed by the  
10 president and attested by the secretary, to the parties to whom  
11 they may become due and payable, directly from the treasury  
12 of the state on warrants of the governor and council; provided  
13 that no warrant shall be issued unless the order of the board  
14 of commissioners is accompanied by satisfactory vouchers and  
15 approved by the governor and council, showing in detail the  
16 character, amount and price of work done or material furnished  
17 for which payment is made as required by the tenth section of  
18 this act; and provided further that the warrant for the pay-  
19 ment of the site or lands for said hospital for the Insane shall  
20 be issued by the governor and council as soon as the selection  
21 of the same shall have been approved by the governor in writ-  
22 ing, and the deed of the same obtained as herein before pro-  
23 vided.

SECT. 13. The treasurer of the state is hereby directed to pay  
2 to the parties named in the warrants of the governor and council  
3 such sums of the money herein appropriated as may be re-  
4 quired for the site and the buildings and improvements contem-  
5 plated in this act; and to meet these payments the treasurer  
6 of the state is authorized upon the order of the governor and  
7 council to issue ———— bonds ———— to the  
8 amount of said appropriation which shall be in such denomina-  
9 tion and shall bear such rate per cent., not exceeding five per  
10 cent. per annum, as the governor and council may direct and  
11 shall be redeemable in not less than ten nor more than twenty-  
12 five years from the date thereof, and said treasurer shall sell or  
13 otherwise dispose of the same as they may be demanded to  
14 meet the required payments as he may deem proper, subject to  
15 the approval of the governor and council.

SECT. 14. The compensation of the board of commissioners  
2 shall be two dollars each for every day actually spent in such  
3 service and their necessary traveling expenses in going to and  
4 returing from the meetings of the board, to be paid out of any  
5 moneys in the state treasury not otherwise appropriated upon  
6 the warrant of the governor and council after proper auditing  
7 of the same; provided that no commissioner shall be allowed

8 to charge or receive pay for constructive service, that is to  
9 say, for any day or days other than those actually employed in  
10 the performance of the duties herein required. No member of  
11 board shall be pecuniarily interested in any contract to be made  
12 for material, supplies, or services for any purpose whatever.

SECT. 15. Said commissioners shall make a fair and full re-  
2 port of all their proceedings including the plans of the build-  
3 ings adopted by them to the governor and council on or before  
4 the first day of December, each year, until their labors are  
5 completed, which report the governor shall lay before the next  
6 legislature.

SECT. 16. As soon as the building shall be ready for furnish-  
2 ing for the reception of patients, notice shall be given in  
3 writing to the governor, who shall then nominate and by and  
4 with the advice and consent of the council appoint five trustees,  
5 who before entering upon the duties of their office shall take  
6 and subscribe an oath or affirmation before some competent  
7 authority, to be filed in the office of secretary of state, faith-  
8 fully to discharge all the obligations and duties required of  
9 them in this act, and thereupon the duties of the board of  
10 commissioners shall cease, and the board of trustees shall  
11 assume the control and management of said insane hospital,  
12 appoint an educated and competent physician as superintendent  
13 and all other necessary officers and employees. The trustees  
14 with their superintendent may proceed to the erection of ad-  
15 ditional wings and other improvements, as they may be de-  
16 manded in accordance with the plan for building said insane  
17 hospital, with any appropriation of money hereafter obtained,  
18 or with any surplus if any of the appropriation made in this  
19 act. The compensation of the board of trustees and the  
20 salaries of the officers, and the management of the new hospital  
21 for the insane shall be governed by the laws then in force for  
22 the insane hospital at Augusta, not otherwise specified in this  
28 act.

SECT. 17. Of the board of trustees so appointed one shall  
2 hold his office for one year, one for two years, one for three  
3 years, one for four years, and one for five years, as indicated  
4 by the governor in making the appointment, and all appoint-  
5 ments thereafter, except to fill vacancies, shall be for five

6 years. In case of vacancy occasioned by death, resignation or otherwise, the governor and council shall immediately fill such vacancy for the unexpired term; said board of trustees may be removed for inefficiency or other good and sufficient cause by the governor by and with the advice and consent of the council.

SECT. 18. When any portion of the building shall have been completed and furnished for the care and treatment of patients, they may then be admitted into the new hospital for the insane, upon the legal processes, terms and conditions that are required by the laws then in force in regard to the insane hospital at Augusta.

SECT. 19. The board of trustees provided in the foregoing section, and their successors in office, shall have power to take and hold in trust for the use and benefit of said hospital for the insane any grant or devise of land, and any donation or bequest of money or other personal property to be applied to the maintenance and support of insane persons, or for any particular fund, in and to the general use of the hospital.

SECT. 20. This act shall take effect when approved.

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## STATE OF MAINE.

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IN SENATE, February 8, 1878.

Reported by Mr. COBB of Androscoggin, from the Committee on Insane Hospital, and laid over to be printed under the Joint Rule.

SAMUEL W. LANE, *Secretary*.